



Attorney Docket No. 2000P13026WOUS

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Serial No.: 10/603,531
Filing Date: 06/25/2003
Applicant: Helmut Jerg
Title: FILTER
Date of Deposit: November 22, 2005
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Petition for Extension of Time, Original and Copy (2 pages);
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Appeal Brief (in Triplicate);
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CERTIFICATE OF MAILING UNDER 37 C.F.R. Section 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

November 22, 2005

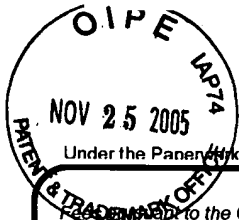
Date of Deposit

Russell W. Warnock

Name of Person Signing

Signature

Russell W. Warnock
Registration No. 32,860
Printed Name



Effective on 12/08/2004.

Fee schedule to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known

| | |
|----------------------|----------------|
| Application Number | 10/603,531 |
| Filing Date | 06/25/2003 |
| First Named Inventor | Helmut Jerg |
| Examiner Name | Yoon Young Kim |
| Art Unit | 1723 |
| Attorney Docket No. | 2000P13026WOUS |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 502786 Deposit Account Name: BSH Home Appliances Corp.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| | | | | | |
|---------------------|---------------------|-----------------|----------------------|----------------------------------|----------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | |
| - 20 or HP = | x | <u>50.00</u> | = | Fee (\$) | Fee Paid (\$) |

HP = highest number of total claims paid for, if greater than 20.

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| - 3 or HP = | x | <u>200.00</u> | = |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| - 100 = | / 50 = | (round up to a whole number) x | = | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief Fee**Fees Paid (\$)**

500.00

SUBMITTED BY

| | | | |
|-------------------|---------------------------|---|------------------------|
| Signature | <u>Russell W. Warnock</u> | Registration No. 32,860 (Attorney/Agent) | Telephone 252-672-7927 |
| Name (Print/Type) | Russell W. Warnock | Date November 22, 2005 | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No.: 2000P13026WOUS

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Helmut Jerg
Application Number: 10/603,531
Filing Date: 06/25/2003
Group Art Unit: 1723
Examiner: Yoon-Young Kim
Title: FILTER
Attorney Docket No.: 2000P13026WOUS

APPEAL BRIEF

Pursuant to 37 CFR 1.192, Appellants hereby file an appeal brief in the above-identified application. This Appeal Brief is accompanied by the requisite fee set forth in 37 CFR 1.17(f).

(1) REAL PARTY IN INTEREST

The real party in interest is the inventor Helmut Jerg.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 8 - 19 are pending in the application and have been finally rejected. Claims 1 - 7 have been cancelled. The final rejection of claims 9 - 19 is being appealed.

(4) STATUS OF AMENDMENTS

In response to the final rejection dated March 25, 2005, a Notice of Appeal was submitted on August 24, 2005. No amendment has been filed subsequent to the Final Rejection dated March 25, 2005.

(5) SUMMARY OF THE INVENTION

As stated in claim 9, which depends from independent claim 8, the present invention provides a filter 1 (reference is had to the specification of the present application at Page 4, lines, line 16 - 30 and Figures 1 - 3) comprising a filter body 2 having a plurality of filter openings 5 for filtering a medium flowing through the openings 5. Each of the openings 5 has a passage cross-section which varies automatically in response to a characteristic inherent to the medium flowing through the openings 5, namely, each of the openings 5 is screened or covered by elements 4 whose state relative to the filter openings 5 vary under the influence of the heat of the medium flowing through the openings 5.

The filter recited in claim 9 advantageously automatically varies the passage cross-section of the filter openings 5, depending on the heat of the medium passing through the filter 1. Thus, for example, in performing cleaning in such a filter 1, once the relevant heat of the medium flowing through the filter 1 is present, the passage cross-section of the filter openings 5 varies automatically in that the elements 4 screening or covering the openings 5 vary under the influence of the heat of the medium flowing through the openings 5. The modification in cross-section of the filter openings 5 caused by such a change enables the filter 1 to be rinsed free of deposited particles.

As further provided in independent claim 14, a dishwashing machine 1 having a water medium utilized in the machine includes a filter for filtering the water medium in the machine (reference is had to the specification of the present application at Page 4, lines 16 - 30 and Figures 1 - 3), the filter comprising a filter

body 2 having a plurality of filter openings 5 for filtering the medium flowing through the openings 5. Each of the openings 5 has a passage cross-section which varies automatically in response to a characteristic inherent to the medium flowing through the openings 5.

The dishwashing machine recited in claim 14 advantageously filters out food remainders contained in the rinse water. Since the rinse water is at a different temperature during the individual rinsing procedures, e.g. prewash, cleaning, spray rinse, deep rinse, sections are formed during a temperature-dependent change to the passage cross-sections during the rinsing cycle, in which the cross-sections of the filter openings 5 are automatically enlarged to the extent where deposited food remainders can be removed via the filter openings 5. This gives rise to a desirable self-cleaning operation of the filter 1.

(6) STATEMENT OF THE ISSUES

- a. Whether claims 9 – 12 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,554,284 to Bartelt et al in view of US Patent No. 4,783,271 to Silverwater?
- b. Whether claims 14 and 19 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al?
- c. Whether claims 15 – 18 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al as applied to claim 14, and further in view of US Patent No. 4,783,271 to Silverwater?

(7) GROUPING OF THE CLAIMS

Claims 9 – 12 may be considered as a single group of claims with respect to the rejection thereof as unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,554,284 to Bartelt et al in view of US Patent No. 4,783,271 to Silverwater.

Claims 14 – 19 may be considered as a single group of claims with respect to the rejection thereof as unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al.

Claims 15 – 18 may be considered as a single group of claims with respect to the rejection thereof as unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al as applied to claim 14, and further in view of US Patent No. 4,783,271 to Silverwater.

(8) THE REFERENCES

US Patent No. 5,554,284 to Bartelt et al discloses, in FIG. 5b thereof, the position during the operation; that is, during the filtering operation, in which case the unfiltered liquid flows downward. As a result of the pressure of the approaching unfiltered liquid, the resilient tongues move downward and their free tip ends come to rest against the slanted edges of the filter plate 11. During backwashing, the tongues 110 move in accordance with FIG. 5c in the opposite direction, so that the slit-like openings are enlarged and particles that are caught in the filter gap can be removed without any difficulty.

US Patent No. 4,783,271 to Silverwater discloses a filter assembly 5 having a housing 10 defining a fluid flow path between inlet ports 11 and an exhaust port 12, a filter element 13 having a primary filter 14 and a coarser secondary filter 15, and a temperature-responsive valve 16 arranged in parallel with the primary filter 14. During normal operating temperatures, the

temperature-responsive valve 16 is closed and the fluid flows through the inlet ports 11, serially through the primary and then the secondary filters 14, 15, and through the exhaust port 12. However, at temperatures below a predetermined temperature, e.g., a predetermined upper limit, the temperature-responsive valve 16 remains open and at least a portion of the fluid bypasses the finer primary filter 14, decreasing the differential pressure across the filter element 13. The temperature-responsive valve 16 generally comprises a valve gate 52 mechanically coupled to a Belleville spring washer 53 formed from a bimetal or shape memory metal or any other device which moves between a first shape at one temperature and a second shape at another temperature.

US Patent No. 5,904,163 to Inoue et al discloses a dishwasher 1 having a washing chamber member 40, a water tank 12, and a washing filter 19 formed of metal and having a plurality of punching holes allowing passage of water but not garbage disposed on the water tank 12. On a front wide corner of washing filter 19, a garbage receiving portion 19a is provided, which has its bottom surface made lower than the top surface of washing filter 19. A basket for receiving garbage is attached to garbage receiving portion 19a. The user can take out the basket and dispose the garbage received by the basket. On the upper surface at the deep central portion of washing filter 19, a turntable support portion 19b for supporting rotary axis 20 of dish washing basket 8 is provided.

(9) ARGUMENT

a. Whether claims 9 – 12 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,554,284 to Bartelt et al in view of US Patent No. 4,783,271 to Silverwater?

The Examiner has indicated that claims 9 – 12 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,554,284 to Bartelt et al in view of US

Patent No. 4,783,271 to Silverwater. The Examiner indicates that US Patent No. 5,554,284 to Bartelt et al discloses filter openings being screened or covered by elements 110 cut out of a thin metal plate but does not disclose a material of manufacture influenced by heat. The Examiner further indicates that US Patent No. 4,783,271 to Silverwater teaches a fluid filter assembly including a material of manufacture being a bimetal or shape memory metal which moves between a first shape at one temperature and a second shape at another temperature. The Examiner alleges that it would have been obvious to one of ordinary skill in the art to combine the screening or covering elements of US Patent No. 5,554,284 to Bartelt et al with the bimetal or shape memory metal of US Patent No. 4,783,271 to Silverwater, causing their state relative to the openings to vary under the influence of heat, because it is material that is common in the filter art.

However, as will be explained in greater detail hereinafter, it is respectfully submitted that neither Bartelt et al '284 nor Silverwater '271 teaches or discloses the filter recited in claim 9 or claims 10 - 13 depending therefrom. Appellant submits neither Bartelt et al '284 nor Silverwater '271 provide any motivation to one of skill in the art to combine the respective arrangements of these two references, let alone to selectively combine the respective arrangements of these two references in the manner set forth by the Examiner.

As noted, claim 9 of the present application, which depends from independent claim 8, recites a filter comprising a filter body having a plurality of filter openings for filtering a medium flowing through the openings. Each of the openings has a passage cross-section which varies automatically in response to a characteristic inherent to the medium flowing through the openings, namely, each of the openings is screened or covered by elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings.

As noted, Bartelt et al '284 discloses a gas-type filter having a hollow-cylindrical filter element rotatable about its axis and the filter is cleared of dirt particles by a backwash flow. The filter openings of the Bartelt et al '284 filter are

covered by resilient tongues that move downward as a result of the pressure of the approaching unfiltered liquid and thereby increase the cross-section of the filter openings. In contrast, Silverwater '271 discloses a primary filter 14 and a secondary filter 15 wherein the filter openings of the filters 14, 15 are uncovered and thus are not covered by elements, resilient tongues, or the like, let alone being covered by elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings, such as is recited in claim 9 of the present application.

In fact, Silverwater '271 is not even concerned with an approach to clearing the openings of a filter. Instead, Silverwater '271 discloses a filter wherein the temperature-responsive valve 16 is configured to permit at least a portion of the fluid to bypass the primary filter 14 (having relatively finer openings) to instead flow only through the relatively coarser openings of the secondary filter 15. In view of the different filter structures of the Bartelt et al '284 and the Silverwater '271 arrangements, and particularly in view of the fact that Silverwater '271 is not even concerned with the clearing of its filter openings, it can clearly be appreciated that neither one of these cited references provides any motivation to one of ordinary skill in the art to modify the filter arrangements of either of these references. Moreover, even if these cited references provided some motivation to one of ordinary skill in the art to modify the filter arrangements of one of these references, which Appellant submits there is not, it is clear that neither reference provides any guidance as to how such a modification could be effected. Furthermore, it is clear that neither reference provides any guidance as to how one of ordinary skill in the art should modify the respective arrangements of these two references so as to produce the modified filter arrangement alleged by the Examiner.

Thus, Appellant submits that the filter recited in the finally rejected claim 9, and claims 10 – 13 depending therefrom, is neither taught nor disclosed by US Patent No. 5,554,284 to Bartelt et al nor US Patent No. 4,783,271 to Silverwater.

- b. Whether claims 14 and 19 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al?

The Examiner has indicated that claims 14 and 19 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al. The Examiner indicates that US Patent No. 5,904,163 to Inoue et al discloses a dishwashing machine including a water medium comprising a filter 19 with the filter having a plurality of filter openings. However, the Examiner notes that US Patent No. 5,904,163 to Inoue et al does not disclose that the cross-section of the filter openings vary in response to a characteristic inherent to the medium flowing through the openings. The Examiner also indicates that US Patent No. 5,554,284 to Bartelt et al discloses a filter 17 having filter openings 110 having a passage cross-section, which varies automatically in response to a characteristic inherent to the medium flowing through the openings. The Examiner alleges that it would have been obvious to one of ordinary skill in the art to modify US Patent No. 5,904,163 to Inoue et al by adding the flap-like elements of US Patent No. 5,554,284 to Bartelt et al for efficient self-cleaning of the filter.

As noted, claim 14 of the present application recites a dishwashing machine having a water medium utilized in the machine and includes a filter for filtering the water medium in the machine comprising a filter body having a plurality of filter openings for filtering the medium flowing through the openings. Each of the openings has a passage cross-section which varies automatically in response to a characteristic inherent to the medium flowing through the openings.

As will be explained in greater detail hereinafter, it is respectfully submitted that neither US Patent No. 5,904,163 to Inoue et al nor US Patent No. 5,554,284 to Bartelt et al provide any motivation to one of skill in the art to combine the respective arrangements of these two references, let alone to

selectively combine the respective arrangements of these two references in the manner alleged by the Examiner. For example, Bartelt et al '284 discloses a gas-type filter having a hollow-cylindrical filter element rotatable about its axis and the filter is cleared of dirt particles by a backwash flow. In contrast, Inoue et al '163 discloses a non-rotatable washing filter 19 whose garbage receiving portion 19a has a basket for receiving garbage attached thereto that the user can take out in order to dispose the garbage received by the basket; it can clearly be seen that the Inoue et al '163 arrangement does not contemplate a backwash cleaning of its washing filter 19. In view of the different filter structures of the Bartelt et al '284 and the Inoue et al '163 arrangements, and particularly in view of their contrasting filter cleaning approaches (e.g., the backwash approach of Bartelt et al '284 and the basket removal approach of Inoue et al '163), it can clearly be appreciated that neither one of these cited references provides any motivation to one of ordinary skill in the art to modify the filter arrangements of either of these references. Moreover, even if these cited references provided some motivation to one of ordinary skill in the art to modify the filter arrangements of one of these references, which Appellant submits there is not, it is clear that neither reference provides any guidance as to how such a modification could be effected. Moreover, it is even clearer that neither reference provides any guidance as to how one of ordinary skill in the art should modify the respective arrangements of these two references so as to produce the modified filter arrangement alleged by the Examiner.

Thus, Appellant submits that the filter recited in the finally rejected claim 14, and claim 19 depending therefrom, is neither taught nor disclosed by US Patent No. 5,904,163 to Inoue et al nor US Patent No. 5,554,284 to Bartelt et al.

- c. Whether claims 15 – 18 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al as applied to claim 14, and further in view of US Patent No. 4,783,271 to Silverwater?

The Examiner has indicated that claims 15 – 18 are unpatentable under 35 U.S.C. § 103(a) over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al as applied to claim 14, and further in view of US Patent No. 4,783,271 to Silverwater. The Examiner indicates that US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al discloses filter openings being screened or covered by elements 110 cut out of a thin metal plate but does not disclose a material of manufacture influenced by heat. The Examiner further indicates that US Patent No. 4,783,271 to Silverwater teaches a fluid filter assembly including a material of manufacture being a bimetal or shape memory metal which moves between a first shape at one temperature and a second shape at another temperature. The Examiner alleges that it would have been obvious to one of ordinary skill in the art to combine the screening or covering elements of US Patent No. 5,554,284 to Bartelt et al with the bimetal or shape memory metal of US Patent No. 4,783,271 to Silverwater, causing their state relative to the openings to vary under the influence of heat, because it is material that is common in the filter art.

Claim 15 of the present application depends from claim 14 of the present application, which, as noted, recites a dishwashing machine having a water medium utilized in the machine and includes a filter for filtering the water medium in the machine comprising a filter body having a plurality of filter openings for filtering the medium flowing through the openings. Each of the openings has a passage cross-section which varies automatically in response to a characteristic inherent to the medium flowing through the openings. Claim 15 recites the feature that each of the openings is screened or covered by elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings.

As will be explained in greater detail hereinafter, it is respectfully submitted that none of US Patent No. 5,904,163 to Inoue et al, US Patent No. 5,554,284 to Bartelt et al, or US Patent No. 4,783,271 to Silverwater provide any

motivation to one of skill in the art to combine the respective arrangements of these three references, let alone to selectively combine the respective arrangements of these three references in the manner alleged by the Examiner. For example, Bartelt et al '284 discloses a gas-type filter having a hollow-cylindrical filter element rotatable about its axis and the filter is cleared of dirt particles by a backwash flow. In contrast, Inoue et al '163 discloses a non-rotatable washing filter 19 whose garbage receiving portion 19a has a basket for receiving garbage attached thereto that the user can take out in order to dispose the garbage received by the basket; it can clearly be seen that the Inoue et al '163 arrangement does not contemplate a backwash cleaning of its washing filter 19.

In contrast to both the arrangements in US Patent No. 5,554,284 to Bartelt et al and US Patent No. 5,904,163 to Inoue et al, US Patent No. 4,783,271 to Silverwater is not even concerned with an approach to clearing the openings of a filter. Instead, Silverwater '271 discloses a filter wherein the temperature-responsive valve 16 is configured to permit at least a portion of the fluid to bypass the primary filter 14 (having relatively finer openings) to instead flow only through the relatively coarser openings of the secondary filter 15.

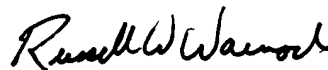
In view of the different filter structures of the US Patent No. 5,554,284 to Bartelt et al, US Patent No. 5,904,163 to Inoue et al, and US Patent No. 4,783,271 to Silverwater arrangements, and particularly in view of the fact that Silverwater '271 is not even concerned with the clearing of its filter openings, it can clearly be appreciated that none of these cited references provides any motivation to one of ordinary skill in the art to modify the filter arrangements of any of these references. In view of the different filter structures of the Bartelt et al '284 and the Inoue et al '163 arrangements, and particularly in view of their contrasting filter cleaning approaches (e.g., the backwash approach of Bartelt et al '284 and the basket removal approach of Inoue et al '163), it can clearly be appreciated that neither one of these cited references provides any motivation to one of ordinary skill in the art to modify the filter arrangements of either of these

references. Moreover, even if these cited references provided some motivation to one of ordinary skill in the art to modify the filter arrangements of one of these references, which Appellant submits there is not, it is clear that none of these references provides any guidance as to how such a modification could be effected. Moreover, it is even clearer that none of these references provides any guidance as to how one of ordinary skill in the art should modify the respective arrangements of these three references so as to produce the modified filter arrangement alleged by the Examiner.

Thus, Appellant submits that the dishwashing machine recited in the finally rejected claim 15, and claim 18 - 18 depending therefrom, is neither taught nor disclosed by US Patent No. 5,554,284 to Bartelt et al, US Patent No. 5,904,163 to Inoue et al, or US Patent No. 4,783,271 to Silverwater.

In view of the foregoing discussion, it is respectfully requested that the Honorable Board of Patent Appeals and Interferences overrule the final rejection of Claims 9 - 19 over the cited art, and hold that the Appellant's claims be allowable over such art.

Respectfully submitted



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November 22, 2005

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APPENDIX

8. A filter, comprising:
a filter body having a plurality of filter openings for filtering a medium flowing through said openings; and
each of said openings having a passage cross-section which varies automatically in response to a characteristic inherent to said medium flowing through said openings.
9. The filter according to claim 8, including said filter openings being screened or covered by elements whose state relative to said filter openings vary under the influence of the heat of said medium flowing through said openings.
10. The filter according to claim 9, including said elements are punched out of said filter body in the shape of tongues positioned in said filter openings.
11. The filter according to claim 10, including said tongue shaped elements are formed from a shape memory alloy material.
12. The filter according to claim 10, including said tongue shaped elements are formed from a bimetal material.
13. The filter according to claim 8, including said filter openings being screened or covered by flap-like elements, said flap-like elements having a first substantially covering position by a force effect of said medium flowing through said openings and can be adjusted to a second increased passage opening by an increased flow rate of said medium flowing through said openings.

14. A dishwashing machine, the machine including a water medium utilized in the machine, comprising:

- a filter for filtering the water medium in said machine;
- said filter including a filter body having a plurality of filter openings for filtering the medium flowing through said openings; and
- each of said openings having a passage cross-section which varies automatically in response to a characteristic inherent to said medium flowing through said openings.

15. The dishwashing machine according to claim 14, including said filter openings being screened or covered by elements whose state relative to said filter openings vary under the influence of the heat of said medium flowing through said openings.

16. The dishwashing machine according to claim 15, including said elements are punched out of said filter body in the shape of tongues positioned in said filter openings.

17. The dishwashing machine according to claim 16, including said tongue shaped elements are formed from a shape memory alloy material.

18. The dishwashing machine according to claim 16, including said tongue shaped elements are formed from a bimetal material.

19. The dishwashing machine according to claim 14, including said filter openings being screened or covered by flap-like elements, said flap-like elements having a first substantially covering position by a force effect of said medium flowing through said openings and can be adjusted to a second increased passage opening by an increased flow rate of said medium flowing through said openings.